

## **TITLE V GUIDANCE FOR ACF ABSTINENCE PROGRAM GRANTEES THAT IMPLEMENT RELIGIOUS PROGRAMS**

1. **Religious Materials** Eliminate all religious materials from the presentation of the Federally funded program. This includes: Bibles or other books of worship; Registration materials that include religious inquiries or references; Follow up activities that include or lead to religious outreach; and Religious content in materials.

*45 CFR 87.2. (c). (“If an organization conducts [inherently religious] activities, the activities must be offered separately, in time or location, from the programs or services funded with direct financial assistance from the Department . . .”). 69 Fed. Reg. 42586, 42593 (2004).*

2. **Separate and Distinct Programs** Any program with religious content must be a separate and distinct program from the Federally funded program, and the distinction must be completely clear to the consumer. Some of the ways in which this may be accomplished include, but are not limited to, the following examples:

Creating separate and distinct names for the programs; Creating separate and distinct looks for the promotional materials used to promote each program; and Promoting *only* the Federally funded program in materials, websites, or

commercials purchased with *any portion* of the Federal funds. Note: If an organization offers both a Federally funded program and a religious program that provide the same social service, or the clients served are children, it is very important that the separation between the programs be accentuated. *45 CFR 87.2 (c). (“Organizations that receive direct financial assistance from the Department under any Department program may not engage in inherently religious activities, such as worship, religious instruction, or proselytization, as part of the programs or services funded with direct financial assistance from the Department.”). 69 Fed. Reg. 42586, 42593 (2004).*

3. **Separate Presentations** Completely separate the presentation of any program

with religious content from the presentation of the Federally funded program by time or location *in such a way that it is clear that the two programs are separate and distinct*. If separating the two programs by time but presenting them in the same location, one program must *completely* end before the other program begins. Some of the ways in which separation of presentations may be accomplished include, but are not limited to, the following examples: 5657

**The programs are held in completely different sites or on completely different days.**

**The programs are held at the same site at completely different times.** Separation may be accomplished through such means as:

- Have sufficient time between the two programs to vacate the room, turn down the lights, leave the stage, etc. in order to reasonably conclude the first program before beginning the second;
- Completely dismiss the participants of the first program; ○ The second program could follow in the same room or, where feasible, in a different room to further distinguish the difference between the programs. **The programs are held in different locations of the same site at the same time.** Separation may be accomplished through such means as:
  - Completely separate registration locations; and
  - Completely separate areas where programs are held such as by room, hallway, or floor, etc. *45 CFR 87.2. (c). (“If an organization conducts [inherently religious] activities, the activities must be offered separately, in time or location, from the programs or services funded with direct financial assistance from the Department . . . .”). 69 Fed. Reg. 42586, 42593 (2004).*

**4. Availability of Other Programs** After the Federally funded program has ended a grantee may provide a brief and non-coercive invitation to attend a separate religious program. The invitation should make it very

clear that this is a separate program from, and not a continuation of, the Federally funded program. It must also be clear that participants are not required to attend the separate religious program, and that participation in Federally funded programs are not contingent on participation in other programs sponsored by the grantee organization.

Religious materials, such as a registration that includes religious follow-up may only be provided in the privately funded program rather than the Federally funded program. *45 CFR 87.2 (c)*. (“*participation [in any privately funded inherently religious activities] must be voluntary for beneficiaries of the programs or services funded with [direct Federal financial] assistance*”). *69 Fed. Reg. 42586, 42593 (2004)*.

**Source:** HHS (2016) Title V State Abstinence Education Grant Program HHS-2016-ACF-ACYF-AEGP-1131; Combined FY 2016 and FY 2017 Applications. Washington, DC: FYSB/ACF/HHS. Pages 31,32.